IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 06.07.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.355 of 2006

K.Subramaniam ... Petitioner

Vs.

1.The Sub Inspector of Police,
J9, Thuraipakkam Police Station,
Thuraipakkam,
Chennai-600 096.

2.M.Selvam .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to direct respondents 1 and 2 herein to produce the petitioner's daughter S.Lalitha Subaranjani, aged about 17 years before this Court and hand over her custody to the ptitioner.

For Petitioner : Mr.P.Muthu

For 1st Respondent: Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner K.Subramaniam has filed this petition for production of his daughter S.Lalitha Subaranjani, aged about 17 years before this Court and to hand over her custody to him.

2. Pursuant to the direction of this Court, the detenue S.Lalitha Subaranjani appeared before us. We enquired her. She asserted before us that she is 18 years old. According to her, her date of birth is 18.05.1989. If that is so, she has completed 17 years. She has also informed us that on 24.03.2006, she married

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the second respondent M.Selvam and according to her, from the said date onwards, both of them are living together happily along with the parents of the second respondent. She also asserted that she prefers to live with the second respondent and she is not willing to go with the petitioner, who is her father.

3. Considering the fact that the detenue is yet to be completed 18 years and taking note of the fact that she married the second respondent three months ago, we summoned her parents as well as the parents of the second respondent. As far as the petitioner K.Subramaniam is concerned, though he expressed his difficulty in accepting the marriage of his daughter with the second respondent, ultimately he informed this Court that any suitable order may be passed in this petition.

4. Pursuant to our direction, the mother of the second respondent is also present. It is brought to our notice that the father of the second respondent is unwell due to which he did not appear. We enquired the mother of the second respondent. She assured that she would take care of her daughter-in-law, the detenue herein and there will not be any problem in continuing their wedlock. Likewise, the second respondent also informed that he is an Auto Mechanic and is getting regular income.

5. In the normal circumstance, taking note of the age of the detenue, either we have to send the detenue with her father, the petitioner herein or to a Home. But in view of the statement made by the petitioner and of the fact that the detenue and the second respondent married as early as on 24.03.2006 and are living together peacefully for all these months, we are not inclined to separate them at this juncture, particularly, in view of the assurance given by the second respondent as well as his mother. In such circumstances, we permit the detenue to continue her marital life with the second respondent.

6. With the above observation, this petition is closed.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Sub Inspector of Police, J9, Thuraipakkam Police Station, Thuraipakkam, Chennai-600 096.

2. The Public Prosecutor, High Court, Madras.

1 cc to Mr.P.Mani, Advocate, SR.28952

tej (co)

dv/14.7.06

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